



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

PO Box 47775 • Olympia, Washington 98504-7775 • (360) 407-6300

August 5, 2008

Pacificorp
Attn Claudia Conder
1407 West North Temple #110
Salt Lake City UT 84116

Re: Water Right Application No. S2-30414

Dear Ms. Conder:

We are now processing water right applications in your area. Please notify us immediately if you are no longer interested in this application or have sold the property.

Your next step is to publish a legal notice which announces your proposed water use to the public and allows interested persons to comment. We have prepared and enclosed this notice for you.

Review Legal Notice Carefully

It is your responsibility to check the notice carefully before having it published. If you find an error, please contact this office for resolution. If we later find an error in your public notice, you may be required to publish an amended notice at your expense.

Publishing Legal Notice

You need to arrange and pay for the legal notice to be published in a newspaper in **Cowlitz**.

- Publish in a newspaper from the enclosed list.
- The paper selected must have general circulation in the area the water will be used and diverted.
- It must appear once a week for two consecutive weeks.

If your published notice does not meet the above criteria, you will be required to have the notice republished at your expense.

Publication should start within 30 days from the date of this letter.



Next Step

You must request an *Affidavit of Publication* from the newspaper in which your notice appeared. The affidavit must be an original, notarized copy of your published notice. Please forward it to our office within 30 days of final publication.

If you have any questions, please contact Ecology at (360) 407-6300.

Sincerely,

A handwritten signature in cursive script that reads "Sheri Carroll".

Sheri Carroll
Water Resources Program

Enclosures: Legal Notice
 Newspaper List

State of Washington
Department of Ecology, SWRO

NOTICE OF APPLICATION TO APPROPRIATE PUBLIC WATERS

TAKE NOTICE: That PacifiCorp of Salt Lake City, Utah on June 25, 2007, under Application Number S2-30414 filed for a permit to appropriate public waters, subject to existing rights, from Lake Merwin tributary to North Fork Lewis River in the amount of 11 cubic feet per second as needed for fish propagation. The source of the proposed appropriation is located within NE¼ SE¼, Section 33, T. 6 N., R. 2 E.W.M., in Cowlitz County, Washington.

Protests or objections to approval of this application must include a detailed statement of the basis for objections; protest must be accompanied by a (\$50.00) recording fee and filed with Department of Ecology, at the address shown below, within thirty days from the last date of publication.

***Department of Ecology
Cashiering Section
PO Box 5128
Lacey WA 98509-5128***

*****Notice is to be published once a week for two consecutive weeks*****

Notes on PacifiCorp – Before I forget entirely...

-Little to no consumptive use → Water diverted from dam, pumped through the hatchery, and then released back into river near point of diversion.

-They have an existing right for $Q_i = 11\text{cfs}$, but the Q_a is less than Q_i extrapolated annually. They want an additional right that will increase their Q_a to an annual amount of 11cfs ran continually.

-SEPA checklist is done

-Federal EIS was done (talk to Chris Maynard for a copy)

TO DO:

-Run Public Notice – talk to Sheri

-Site Visit – Combine with Jeff, go sometime this summer.

-Get copy of EIS study.

-Get new flows agreed to in the existing FIRC license w/ flow provisions – Jeff has them.

-Report Of Exam (ROE):

Public Interest Test – Benefits the environment, helping fish populations

Beneficial Use – Cite WDFW letter, paragraph beginning with “The proposed...”

Water Availability – Water budget neutral, water is available.

Impairment Analysis – Non-consumptive use, No HG analysis needed. Surrounding water rights are held by PacifiCorp.

-Talk about where the water is diverting, where it is taken, and where it returns to the river.

-Water quality certification, Section 401 of Water Quality Act. Flows have been evaluated, and are ok. Mention this in analysis.

-Watershed rule: In the rulemaking stage... Travis Burns is the rule maker. It sets minimum flows to be whatever FIRC says.

RECEIVED

1407 West North Temple
Salt Lake City, Utah 84116

'07 SEP 27 A10:24

September 21, 2007

WA STATE
DEPARTMENT OF ECOLOGY
SW REGIONAL OFFICE

Sheri Carroll
Washington Department of Ecology
P.O. Box 4775
Olympia, WA 98504-7775

RE: SEPA checklist for PacifiCorp Water Right Application No. S2-30414

Dear Ms. Carroll,

Please find enclosed the SEPA checklist for PacifiCorp's water right application No. S2-30414 as requested in your letter dated August 3, 2007. As you are aware, the new water right application has been filed to request a continuous flow of 11 cfs of water in lieu of water right #S2-28311 which is a certificated right for 11 cfs with a volume limitation of 3692 acre feet. The water right serves the Merwin Trout Hatchery which is adjacent to PacifiCorp's Merwin hydroelectric project.

Since this is not a new project, many of the checklist items were not applicable. However, PacifiCorp has provided as much information as possible on the checklist for your review and consideration.

Thank you for your consideration in this matter. If you have any questions, please contact me at (801)220-2252 or via e-mail at Claudia.Conder@PacifiCorp.com.

Cordially,


Claudia Conder
Water Rights Administrator for PacifiCorp

Cc: Jim Lynch, Attorney for PacifiCorp
Erik Lesko, PacifiCorp
Todd Olson, PacifiCorp
Jeff Marti, WDOE

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